

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL MISC. APPLICATION (BAIL) NO. 175 OF 2007**

Mr. Tony Luis,
Son of Mr. Milagres Luis,
Age 40 years,
Resident of H.No. 156,
Condy, Quepem, Goa.

.... Applicant

V/s.

1. S T A T E
Through the Public Prosecutor

2. Police Inspector,
Quepem Police Station.

.... Respondents

Mr. Arun Bras De Sa, Advocate for the Applicant.
Ms. W. Coutinho, Public Prosecutor for the Respondents.

CORAM : N.A. BRITTO, J.

DATE : 9th AUGUST, 2007

ORAL ORDER:

Heard learned Counsel on behalf of the Applicant and the learned Public Prosecutor.

2. The Applicant herein, having been refused anticipatory bail by the learned Sessions Judge by order dated 20/07/2007 has approached this Court for the same. I have perused the complaint and the medical certificate. Bail has already been granted to the other accused.

3. The learned Sessions Judge has noted that there is a statement of the passerby who saw the incident and who had stated that the Applicant was only trying to prevent the said David from assaulting the complainant. Considering the facts of the case, anticipatory bail could not have been denied to the present accused.

4. The learned Public Prosecutor has also stated that the presence of the Applicant in custody is not being insisted but he be directed to remain present at the Police Station for further investigations.

5. Considering what is stated herein above including the submission of the learned Public Prosecutor it is hereby ordered that the Applicant in the event of his arrest shall be released on bail upon execution of bond of Rs. 5,000/- (Rupees Five Thousand Only) with one surety in the like amount and with the condition that the Applicant shall appear at the police station between 9.00 a.m. to 12.00 noon tomorrow i.e. 10/08/2007.

6. Expedite authenticated copy.

N.A. BRITTO, J.

NH/-